

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

RUTH LAUNA STODGHILL  
TX-1322509-G

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DOCKETED COMPLAINT NO.  
10-379

**AGREED FINAL ORDER**

On the 15<sup>th</sup> day of February, 2012, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of DOUGLAS SCOTT ROBY (the "Respondent").

In order to conclude this matter, RUTH LAUNA STODGHILL admits to the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

**FINDINGS OF FACT**

1. Respondent is a Texas state certified general real estate appraiser who holds certification number TX-1322509-G, and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at: 1320 Wood Park Street, Beaumont, Texas 77706 (the "property") on or about July 29<sup>th</sup>, 2010.
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced appraisal report for the property that did not conform to the Uniform Standards of Professional Appraisal Practice (USPAP), TEX. OCC. CODE CHPT. 1103 (the "Act") and 22 TEX. ADMIN. CODE CHPT. 153 and 155 (the "Rules").
4. Thereafter the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board, which was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:
  - a) USPAP Ethics Rule (Record Keeping) – Respondent failed to comply with the USPAP ethics rule because she failed to maintain a work file containing all data, information, and documentation necessary to support the appraiser's opinions and conclusions;

- b) USPAP Ethics (conduct) – Respondent misrepresented that she had inspected the property.
  - c) USPAP Scope of Work Rule – Respondent failed to support her work with the relevant evidence and logic required by this rule to obtain credible assignment results and did not have a sufficient scope of work to obtain credible assignment results. She also misrepresented her scope of work by misrepresenting that she had conducted the inspection of the property;
  - d) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the improvement(s) and site description adequately;
  - e) USPAP Standards 1-3(a) & 2-2(b)(viii) and 1-3(b) & 2-2(b)(ix) – Respondent failed to provide support for her opinions and conclusions in the neighborhood section of the report and failed to provide her supporting rationale for her determination of the property's highest and best use;
  - f) USPAP Standards 1-4(b)(i), (b)(ii) and (b)(iii) & 2-2(b)(viii) and 1-1(a) & 1-4(b) – Respondent failed to provide support for her determination of the property's lot value and did not use an appropriate method or technique to develop the lot value, she failed to collect, verify, analyze and reconcile the cost new of improvements and accrued depreciation and did not employ recognized methods and techniques correctly.
  - g) USPAP Standards 1-4(a) & 2-2(b)(viii) and 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile the comparable sales data; and generally failed to employ recognized methods and techniques in the Sales Comparison Approach;
  - h) USPAP Standards 1-5(b) & 2-2(b)(viii); 1-5(a) & 2-2(b)(viii) – Respondent failed to analyze all sales of the subject within three (3) years prior to the effective date of the appraisal and did not analyze the listing history of the property;
  - i) USPAP Standards 1-1(a), 1-1(b), 1-1(c); 2-1(a); and 2-1(b) – Respondent produced a misleading appraisal report for the property that contained several substantial errors of omission or commission by not employing correct methods and techniques and not analyzing and reconciling significant and material information she had a duty to analyze and reconcile. This resulted in an appraisal report that was not credible or reliable.
6. Respondent omitted material facts and made material misrepresentations as described in more detail above.
7. The parties enter into this consent order ("Order") in accordance with TEX. OCC. CODE § 1103.458.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations omitting material facts.
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

## ORDER

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's Texas appraiser certification be suspended for a period of 12 months, effective 5:00 p.m., February 15<sup>th</sup>, 2013.

IT IS FURTHER ORDERED that beginning at 5:00 p.m., February 15<sup>th</sup>, 2013, the suspension is to be fully probated for 12 months ending February 15<sup>th</sup>, 2014, subject to the following terms and conditions:

1. **EDUCATION.** On or before August 15<sup>th</sup>, 2013. Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
  - A. On or before August 15<sup>th</sup>, 2013, complete a minimum fifteen (7) classroom-hour course in Valuation by Comparison;
  - B. In lieu of completing the education noted above, Respondent may elect to complete an additional 5 hours of mentorship on market data analysis and the sales comparison approach in the manner described below under the "mentorship" heading.
2. **MENTORSHIP.** On or before May 15<sup>th</sup>, 2013. Respondent shall complete seven (7) hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board Staff in accordance with the schedule and topics set out below.

Respondent shall submit a notarized Board affidavit form signed by the approved certified USPAP instructor on or before the due date listed for each mentorship requirement. Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.

- A. On or before May 15<sup>th</sup>, 2013, complete seven (7) hours of mentorship with a focus on the sales comparison approach, prior sales history and listing history analysis, and cost approach, including lot value and cost of improvements analysis and determination.
3. **LOGS.** On or before December 15<sup>th</sup>, 2013, Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board for the period of August 15<sup>th</sup>, 2013 to November 15<sup>th</sup>, 2013. The log shall detail *all* real estate appraisal activities Respondent has conducted during that three month period. This log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and accurate. Upon request from the Board, Respondent shall provide copies of her appraisal reports and work files for any appraisal assignments Respondent performs during the course of this period of probation within twenty days of receiving any such request;
4. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
5. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

***Failure to comply with any of the terms of this Agreed Final Order within the time allotted shall result in IMMEDIATE SUSPENSION of the Respondent's certification pursuant to notice to the Respondent from Board staff indicating that the Respondent has not fulfilled the requirements of this Agreed Final Order.***

**ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.** A violation of these terms will automatically revoke probation and impose the aforementioned suspension for the entire term of 12 month suspension, commencing on the effective date of the revocation of probation.

**RESPONDENT, BY SIGNING THIS AGREED FINAL ORDER, WAIVES THE RESPONDENT'S RIGHT TO A FORMAL HEARING, ANY MOTION FOR REHEARING, AND ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER.** Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

I HAVE READ AND REVIEWED THIS ENTIRE AGREED FINAL ORDER FULLY AND AM ENTERING INTO IT OF MY OWN FREE WILL TO AVOID THE EXPENSE OF LITIGATION AND TO REACH AN EXPEDITIOUS RESOLUTION OF THE MATTER. I NEITHER ADMIT NOR DENY THAT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONTAINED HEREIN ARE CORRECT. I UNDERSTAND ALL OF MY COMPLIANCE OBLIGATIONS UNDER THIS AGREED FINAL ORDER AND THE CONSEQUENCES FOR FAILING TO COMPLY WITH THOSE OBLIGATIONS.

I UNDERSTAND THAT THE BOARD AND ITS STAFF CANNOT PROVIDE ME WITH LEGAL ADVICE. I AM AWARE OF MY RIGHT TO A HEARING AND TO BE REPRESENTED BY AN ATTORNEY OF MY OWN CHOOSING, AND HEREBY WAIVE BOTH AND ALSO WAIVE ANY RIGHT TO SEEK JUDICIAL REVIEW OF THIS AGREED FINAL ORDER, INCLUDING FOR ANY SUBSEQUENT ACTION RESULTING FROM MY FAILURE TO TIMELY COMPLY WITH AN ADMINISTRATIVE REQUIREMENT OF THIS AGREED FINAL ORDER, SUCH AS PAYMENT OF A FEE, COMPLETION OF COURSEWORK OR FAILURE TO PROVIDE LOGS.

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 15 day of January, 2013.

Ruth Launa Stodghill  
RUTH LAUNA STODGHILL

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 15<sup>th</sup> day of JANUARY, 2013, by RUTH LAUNA STODGHILL, to certify which, witness my hand and official seal.

K. S. Singh  
Notary Public Signature

K. S. SINGH  
Notary Public's Printed Name


Dallas Hutton  
DALLAS HUTTON, ATTORNEY FOR  
RUTH LAUNA STODGHILL



Signed by the Standards and Enforcement Services Division this 15<sup>TH</sup> day of FEBRUARY, 2013.

  
Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 15<sup>TH</sup> day of February, 2013.

  
Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 15<sup>TH</sup> day of February, 2013.

  
Luis De La Garza, Chairperson Walker Beard  
Texas Appraiser Licensing and Certification Board